

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

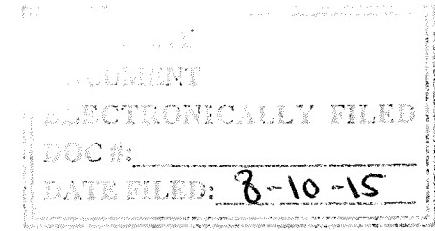
KELVIN VAZQUEZ,

Petitioner,

-against-

MICHAEL CAPRA,

Respondent.



**ANDREW L. CARTER, JR., United States District Judge:**

Pro se petitioner Kelvin Vazquez ("Petitioner") filed a petition for writ of habeas corpus (the "Petition") dated May 17, 2014, alleging that he was denied due process in violation of the 14th Amendment, received ineffective assistance of counsel in violation of the 6th and 14th Amendments, and was arrested without probable cause in violation of the 4th Amendment.

On September 25, 2014, this matter was referred to United States Magistrate Judge James C. Francis IV. Petitioner submitted a letter dated January 22, 2014 requesting that the Petition be dismissed. Magistrate Judge Francis subsequently issued a Report and Recommendation ("R & R") on January 29, 2015, recommending that the Petition be dismissed and the case closed. No objections were filed to the R & R.

Because no timely objection was made, the Court "need only satisfy itself that there is no clear error on the face of the record" to adopt the R & R. Figueroa v. Riverbay Corp., No. 06 CIV. 5364 PACKNF, 2006 WL 3804581, at \*1 (S.D.N.Y. Dec. 22, 2006) (quoting Wilds v. United Parcel Serv., 262 F.Supp.2d 163, 169 (S.D.N.Y.2003)). In light of Petitioner's request and the lack of any objections to the R & R, the Court finds no clear error in the record and

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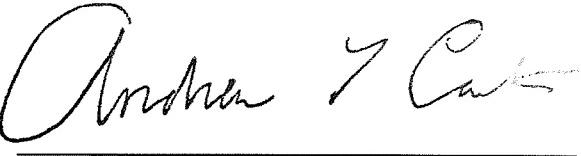
adopts the R & R in its entirety.

The Petition is hereby DISMISSED. The Clerk of Court is respectfully directed to close this case.

**SO ORDERED.**

**Dated:** August 10, 2015

New York, New York



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**HON. ANDREW L. CARTER, JR.**  
**United States District Judge**